

June 2, 2013

Andrew Malcolm kicks off Eric Holder Day.

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He told members he found his questioning to be "shameful" and "unacceptable" and at one point the unelected official upbraided the committee, "You may not like me, but I am the attorney general."

Which, of course, was a keen grasp of the obvious because that's why he was testifying before the legislative branch, which has this constitutional role to play. And remember, Holder is the first-ever attorney general to be cited for contempt of Congress. He may not like them, but they are elected.

So, things weren't going too well. A sympathetic Democrat representative named Hank Johnson of Georgia tried to help Holder. He yielded his last couple of minutes as a gift to Holder to talk freely. Here's what lawyer Holder volunteered:

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Now, here's the really big problem for the country's top law enforcement officer: It looks like he was lying through that nice mustache to Congress.

Turns out, NBC News discovered Holder's signature was on the FBI documents seeking a search warrant to get inside Rosen's life. Like most Americans, we're not lawyers. But signing a court document would pretty clearly require Holder to have heard of the document he was signing, right? And signing it would also seem to laymen's eyes to involve the signer, even in Chicago. ...

Jonathan Turley has seen enough of Eric Holder.

Recently, Attorney General Eric Holder appeared before the House Judiciary Committee to answer questions about the administration's sweeping surveillance of journalists with the Associated Press. In the greatest attack on the free press in decades, the Justice Department seized phone records for reporters and editors in at least three AP offices as well as its office in the House of Representatives. Holder, however, proceeded to claim absolute and blissful ignorance of the investigation, even failing to recall when or how he recused himself.

Yet, this was only the latest attack on the news media under Holder's leadership. Despite his record, he expressed surprise at the hearing that the head of the Republican National Committee had called for his resignation. After all, Holder pointed out, he did nothing. That is, of course, precisely the point. Unlike the head of the RNC, I am neither a Republican nor conservative, and I believe Holder should be fired.

Holder's refusal to accept responsibility for the AP investigation was something of a change for the political insider. His value to President Obama has been his absolute loyalty. Holder is what we call a "sin eater" inside the Beltway — high-ranking associates who shield presidents from responsibility for their actions. Richard Nixon had H.R. Haldeman and John Ehrlichman. Ronald Reagan had Oliver North and Robert "Bud" McFarlane. George W. Bush had the ultimate sin eater: Dick Cheney, who seemed to have an insatiable appetite for sins to eat. ...

Paul Mirengoff of Power Line says Holder has a history of imprecise testimony. *When President Obama nominated Eric Holder for Attorney General, the Republican establishment was not displeased. As I wrote at the time, "most members of that establishment feel more comfortable with their fellow Washington insider than they do with taking their chances on an Obama nominee to be named later."*

At Power Line, though, we had major concerns about Holder. Prominent among them was his lack of honesty. For one thing, we doubted Holder's testimony to the Senate that, when he pushed through the pardon of Marc Rich, he didn't know Rich had assisted America's enemies, including Iran, or that Rich's wife had donated large sums to Democratic and Clinton interests. If Holder truly was as ignorant as he claims to have been, we argued, it was because he didn't want to know. President Clinton wanted the pardon and Holder wanted to get it accomplished.

Holder's implausible denials were rendered even more doubtful by the obstructionist efforts of Senate Democrats on his behalf. ...

Michael Gerson says Eric Holder is good at one thing. *... Holder has one particular, highly developed skill: a talent for loyalty. And this is designed to please an audience of one. But Obama's continued trust in his besieged attorney general has radiating effects. The review of Justice Department abuses relating to the press is being conducted by .□.□. Holder. A special counsel in this case would be appointed by .□.□. Holder. The FBI probe of the IRS scandal was ordered by .□.□. Holder. In all these cases, the restoration of public trust depends on an attorney general worthy of public trust.*

During his recent Naval Academy commencement address, Obama said: "It's no secret that in recent decades many Americans have lost confidence in many of the institutions that help shape our society and our democracy. But I suggest to you today that institutions do not fail in a vacuum. Institutions are made up of people, individuals. And we've seen how the actions of a few can undermine the integrity of those institutions."

Mr. President, meet your attorney general.

Rich Lowry has more on Holder.

President Barack Obama has been mocked for learning about untoward conduct in his administration from the press. But he's on the ball compared with his attorney general, who wouldn't know about his own poor judgment without reading about it in the papers. Let's hope he has a Google alert set for "Eric Holder."

The website the Daily Beast interviewed the attorney general and Justice Department officials for a piece about how the AG is holding up in the firestorm over two controversial Justice Department leak investigations, one into the Associated Press, the other into Fox News reporter James Rosen

The Daily Beast piece pinpoints when Eric Holder had a crisis of conscience leading him to question his leak-investigating ways. The Washington Post had made inquiries at the Justice Department about the investigation into Rosen stemming from a 2009 leak, and the department's press office had begun to ready itself for the storm. For Eric Holder, though, "the gravity of the situation didn't fully sink in until Monday morning when he read the Post's front-page story, sitting at his kitchen table." ...

Peter Wehner says Holder should and will resign, but the real problem is Dear Follower.

... Now, I'd prefer for Mr. Holder to resign, if only because I'd prefer that a man who misled Congress regarding his role in secretly monitoring the private e-mails of Fox's James Rosen and for his role in the Fast and Furious operation (for which he was held in [contempt of Congress](#))—a man who is [self-righteous](#) as well inept—not be attorney general of the United States. But whether Holder stays or goes is, if not exactly beside the point, not the central issue involved here.

What matters is that we have an administration that had contempt for the [rule of law](#) and believes it is right and proper to use the power of the federal government to target, intimidate, and silence its political opponents. That has been happening since nearly the beginning of the Obama Era. Eric Holder is not the generator of this culture of intimidation and corruption; he is merely one of its executioners. The real problem with the Obama administration begins at the top. Getting rid of Eric Holder may be a good idea. But it won't solve the deeper pathologies of this presidency.

Peter Wehner calls it their "Damascus road experiences."

We're seeing some remarkable conversions occur before our very eyes. Take David Axelrod, who was President Obama's top political adviser in the White House.

For years Axelrod, along with Anita Dunn and others, led a Nixonian campaign to discredit and delegitimize Fox News. Yet now Axelrod is angst-ridden and aggrieved at the Justice Department's surveillance of a Fox News reporter, James Rosen, telling MSNBC's "Morning Joe" that he finds all of this "disturbing."

"I do think there are real issues regarding the relationship with the media on this leak matter," [according](#) to Axelrod. "The notion of naming a journalist as a co-conspirator for receiving information is something that I find very disturbing."

Mr. Axelrod's professed solidarity with Fox News is touching. But a few of us thought the [effort](#) back in 2009 to target Fox was disturbing, too – and we went on to predict that it would lead to something that looks very much like what has occurred: the abuse of government power to intimidate people Team Obama viewed as a threat.

Speaking of the scales falling from their eyes, we're [now](#) asked to believe that Attorney General Eric Holder, is "beginning to feel a creeping sense of personal remorse" for his role in authorizing a search warrant that named James Rosen as an "aider, abettor and/or co-conspirator" in a crime. A very well developed sense of right and wrong, combined with the fear that he might have committed [perjury](#) in his Congressional testimony, will do that to a fellow.

We're seeing a variation of this with the IRS scandal. The president and Democrats are falling all over themselves condemning the abuse of power by the IRS. But what they conveniently forget is their role in creating a climate that allowed the abuse to flourish. After all, when the DNC runs [ads](#) accusing pro-Republican groups of "stealing our democracy," when the president of the United States [suggests](#) they are breaking the law, and when senior Democratic Senators write letters (see [here](#)) to the IRS requesting that it survey major nonprofits involved in political campaign activity for their possible "violation of tax laws," what you are bound to get is what we now have.

The president and his top aides gave clear guidance as to which properties needed to be targeted and provided the accelerants to get a fire burning. And now they profess being shocked that arson was going on.

How stupid do they think we are?

John Steele Gordon posts on the ominous differences in how IRS Commissioners have gone about their jobs.

The Washington Examiner [reported](#) on Monday that Mark Everson, Commissioner of Internal Revenue from 2003 to 2007, during the Bush administration, visited the White House exactly once while in office. Indeed he felt like he'd "moved to Siberia" so out of the ordinary political loop was he. But Douglas Shulman, Commissioner from 2008 to 2012, during the Obama administration, visited the White House 118 times just in 2010 and 2011. His successor, Steven Miller, also visited "numerous" times.

The Commissioner of Internal Revenue is a managerial position, not a policy-making one, although his input on the practical realities of tax collection and how the IRS is structured might well be very useful if the President was planning a big push on tax reform. But no such push has been forthcoming. Obama's sole interest in the tax code has been to raise rates on high earners. So what was the commissioner doing going to the White House more than once a week on average? ...

Lisa Myers of NBC News reports senior administration officials, including Lois Lerner, have been part of the IRS inquisition of conservative groups.

Additional scrutiny of conservative organizations' activities by the IRS did not solely originate in the agency's Cincinnati office, with requests for information coming from other offices and often bearing the signatures of higher-ups at the agency, according to attorneys representing some of the targeted groups. At least one letter requesting information about one of the groups bears the signature of Lois Lerner, the suspended director of the IRS Exempt Organizations department in Washington.

Jay Sekulow, an attorney representing 27 conservative political advocacy organizations that applied to the Internal Revenue Service for tax-exempt status, provided some of the letters to NBC News. He said the groups' contacts with the IRS prove that the practices went beyond a few "front line" employees in the Cincinnati office, as the IRS has maintained.

"We've dealt with 15 agents, including tax law specialists -- that's lawyers -- from four different offices, including (the) Treasury (Department) in Washington, D.C.," Sekulow said. "So the idea that this is a couple of rogue agents in Cincinnati is not correct."

Among the letters were several that bore return IRS addresses other than Cincinnati, including "Department of the Treasury / Internal Revenue Service / Washington, D.C.," and the signatures of IRS officials higher up the chain. Two letters with "Department of the Treasury / Internal Revenue Service / Washington, D.C." letterhead were signed by "Tax Law Specialist(s)" from Exempt Organizations Technical Group 1 and Technical Group 2. Lerner's signature, which appeared to be a stamp rather than an actual signature, appeared on a letter requesting additional information from the Ohio Liberty Council Corp. ...

The cartoonists have a Holder Day too.

Investors.com

[Eric Holder. Remember him? Or is your memory as bad as his?](#)

by Andrew Malcolm



Great mustache. Awful memory.

Remember Eric Holder? Attorney General during Barack Obama's first term and beyond? Tall, thin guy. He had a mustache, which is always good. But shifty eyes. And an awful memory. Terrible, in fact.

You may remember "Fast and Furious," that outrageous and, by the way, illegal gun-running operation by his department that sent weapons to drug cartels in Mexico? Nope, he never heard of it. Oh, well, wait. Those words do ring a bell. Yes, yes he had heard of it after all. But can't quite remember when he heard of it. Or when he ordered it stopped. If he did.

There's a lot of bad memory going around this Obama administration.

Well, now Holder's had another awful lapse of memory. Or smarts. Or something. Way, way back on May 15, which is -- *oh, look* -- exactly two entire weeks ago today. An eternity under this Obama crowd.

Back then the country's top law enforcement officer was testifying before the House Judiciary Committee. It seems the FBI was poking around dozens of telephone lines of the Associated Press trying to identify a government leaker.

Which is unusual because given the First Amendment, as in the one put before all other amendments of the United States Constitution, government has gone after the leaker while steering clear of working news gatherers, who have this thing called constitutional protection as a check on government.

Even President Obama says publicly he's in favor of freedom of the press, although, yes, true, he's said publicly he's in favor of so many things and does nothing about them. And his administration has gone after leakers much more aggressively than others in recent history.

Anyway, while the bureau was at it, the FBI also went after one particularly annoying reporter, James Rosen of Fox News. Annoying because, of course, it's Fox, which this president detests, but also because Rosen is very good at his job. He keeps breaking news stories that government doesn't want broken. Kind of the definition of what most good reporters attempt.

But to get into Rosen's personal email and things like his parents' home phone, the FBI agent claimed that TV news reporter Rosen with the famous face was not only a flight risk but also a criminal co-conspirator, meaning likely to be charged. Very serious. Two federal judges wisely said, Nope, not good enough. But the so-called Justice Department kept shopping 'til it found an appellate judge who OK'd the fishing expedition.



Holder and Obama. They even like the same tie.

Two weeks ago today Holder was giving testy testimony to the House committee.

He told members he found his questioning to be "shameful" and "unacceptable" and at one point the unelected official upbraided the committee, "You may not like me, but I am the attorney general."

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Now, in addition to the other scandal investigations, Judiciary is investigating whether the AG lied about his investigating. [Another messy story line to run on and on](#) with the IRS and Benghazi and the ongoing court fight over Fast and Furious documents.

This next detail is not a late-night joke; [this is a favored Obama tactic to ensure a favorable finding](#): The president has asked his attorney general to investigate his attorney general and report back by early July. Boy, Obama must really mean business. We hope Holder cooperates with himself. What if Holder takes the Fifth under questioning by Holder?

Obama says he has "full confidence" in Holder. In modern Washington that usually means an appointee is about to reside under the bus. But the two are friends, as are their wives, no minor tie in Obama's Chicago culture. They wear the same ties, suits and lapel pins.

More importantly, who knows what Holder's files hold on Obama? He wouldn't want some leaker to help them fall into the wrong hands after a messy Obama-Holder divorce.

And Mr. Aloof has consistently shown a disinclination to fire people, unless they're seasoned generals. Obama much prefers "voluntary" resignations, although that would likely ensure a partisan Senate confirmation process for the new guy or gal.

Very few attorneys general endure two terms. Expect Holder to move on later this year. Seemingly by his own choice. Likely to rejoin his old law colleagues in some incredibly well-paid sinecure, which has become a popular, puzzling punishment in the upside-down politics that seem now to reign over our country's capitol.

USA Today

Fire Eric Holder

Top lawyer doesn't have credibility to investigate anyone, let alone himself.

by Jonathan Turley

Recently, Attorney General Eric Holder appeared before the House Judiciary Committee to answer questions about the administration's sweeping surveillance of journalists with the Associated Press. In the greatest attack on the free press in decades, the Justice Department seized phone records for reporters and editors in at least [three AP offices](#) as well as its office in the House of Representatives. Holder, however, proceeded to claim absolute and blissful ignorance of the investigation, even [failing to recall](#) when or how he recused himself.

Yet, this was only the latest attack on the news media under Holder's leadership. Despite his record, [he expressed surprise](#) at the hearing that the head of the Republican National Committee had called for his resignation. After all, Holder pointed out, he did nothing. That is, of course, precisely the point. Unlike the head of the RNC, I am neither a Republican nor conservative, and I believe Holder should be fired.

The 'sin eater'

Holder's refusal to accept responsibility for the AP investigation was something of a change for the political insider. His value to President Obama has been his absolute loyalty. Holder is what we call a "sin eater" inside the Beltway — high-ranking associates who shield presidents from responsibility for their actions. Richard Nixon had [H.R. Haldeman](#) and [John Ehrlichman](#). Ronald Reagan had [Oliver North](#) and [Robert "Bud" McFarlane](#). George W. Bush had the ultimate sin eater: Dick Cheney, who seemed to have an insatiable appetite for sins to eat.

This role can be traced to [18th century Europe](#), when families would use a sin eater to clean the moral record of a dying person by eating bread from the person's chest and drinking ale passed over his body. Back then, the ritual's power was confined to removing minor sins.

For Obama, there has been no better sin eater than Holder. When the president [promised CIA employees](#) early in his first term that they would not be investigated for torture, it was the attorney general who [shielded](#) officials from prosecution. When the Obama administration decided it would expand [secret and warrantless surveillance](#), it was [Holder who justified it](#). When the president wanted the authority to kill any American he deemed a threat without charge or trial, it was Holder who went [public to announce the "kill list" policy](#).

Last week, the Justice Department confirmed that it was Holder who [personally approved](#) the equally abusive search of *Fox News* correspondent James Rosen's e-mail and phone records in another story involving leaked classified information. In the 2010 application for a secret warrant, the Obama administration named Rosen as "an aider and abettor and/or co-

conspirator" to the leaking of classified materials. The Justice Department even [investigated Rosen's parents' telephone number](#), and Holder was there to justify every attack on the news media.

Ignoble legacy

Yet, at this month's hearing, the attorney general had had his fill. Accordingly, Holder adopted an [embarrassing mantra](#) of "I have no knowledge" and "I had no involvement" throughout the questioning. When he was not reciting the equivalent to his name, rank and serial number, he was implicating his aide, Deputy Attorney General James Cole. Cole, it appears, is Holder's sin eater. Holder was so busy denying responsibility for today's scandals, he [began denying known facts about older scandals](#), such as the "Fast and Furious" gun operation.

In the end, Holder was the best witness against his continuing in office. His insistence that he did nothing was a telling moment. The attorney general has done little in his tenure to protect civil liberties or the free press. Rather, Holder has supervised a comprehensive erosion of privacy rights, press freedom and due process. This ignoble legacy was made possible by Democrats who would look at their shoes whenever the Obama administration was accused of constitutional abuses.

On Thursday, Obama responded to the outcry over the AP and Fox scandals by calling for an investigation by ... you guessed it ... [Eric Holder](#). He ordered Holder to meet with news media representatives to hear their "concerns" and report back to him. He sent his old sin eater for a confab with the very targets of the abusive surveillance. Such an inquiry offers no reason to trust its conclusions.

The feeble response was the ultimate proof that these are Obama's sins despite his effort to feign ignorance. It did not matter that Holder is the sin eater who has lost his stomach or that such mortal sins are not so easily digested. Indeed, these sins should be fatal for any attorney general.

Jonathan Turley, the Shapiro Professor of Public Interest Law at George Washington University, is a member of USA TODAY's Board of Contributors.

Power Line

[Eric Holder's pattern of giving false testimony](#)

by Paul Mirengoff

When President Obama nominated Eric Holder for Attorney General, the Republican establishment was not displeased. As I [wrote](#) at the time, "most members of that establishment feel more comfortable with their fellow Washington insider than they do with taking their chances on an Obama nominee to be named later."

At Power Line, though, we had major concerns about Holder. Prominent among them was his lack of honesty. For one thing, we [doubted](#) Holder's testimony to the Senate that, when he pushed through the pardon of Marc Rich, he didn't know Rich had assisted America's enemies, including Iran, or that Rich's wife had donated large sums to Democratic and Clinton interests. If

Holder truly was as ignorant as he claims to have been, we argued, it was because he didn't want to know. President Clinton wanted the pardon and Holder wanted to get it accomplished.

Holder's implausible denials were rendered even more doubtful by the obstructionist efforts of Senate Democrats on his behalf. The Dems refused to give Republicans the time they need to review the documentary record that was been produced; refused to allow them to present more than a handful of witnesses; refused to sign a letter that would have expedited the release of key documents from the Clinton library; and refused to subpoena key witnesses, including the pardon attorney at the time of the Rich pardon, Roger Adams.

Then, there was the matter of Rod Blagojevich, the crooked former governor of Illinois. [Here](#), there is no doubt that Holder gave inaccurate testimony. Holder testified that he performed no substantive legal work for Blagojevich and that a contemplated representation of the governor by Holder's law firm "never materialized."

But in fact, Holder signed a letter dated April 2, 2004 in which he requested that the Chairman of the Illinois Gaming Board provide him with nine categories of documents in furtherance of an investigation Holder was performing on the governor's behalf. The letter begins: "As you know, Governor Blagojevich has appointed me to investigate issues relating to gaming in the Village of Rosemont, Illinois."

Holder's request for production constituted "substantive work" for "Blago" on the "Gaming" investigation. Indeed, substantive work would have been required just to formulate a targeted request with the level of specificity that Holder's letter set forth.

Holder also failed to disclose to the Senate a press conference in which "Blago" announced that Holder would be handling the gaming board investigation. He later conceded that he should have disclosed that press conference.

Holder's false testimony about the "Blago" representation is, in some important respects, a precursor of his false testimony about the James Rosen matter. In both instances, Holder's statements to Congress cannot be reconciled with legal documents that Holder signed.

How much false testimony will Congress, and the nation, have to put up with before Obama finally provides the United States with an honest chief law enforcement officer?

Washington Post

[Eric Holder, giving Justice a bad name](#)

by Michael Gerson

So, [Attorney General Eric Holder approved a search warrant](#) targeting Fox News's James Rosen for the crime of journalism with malice aforethought. Then the [Justice Department shopped around for a judge](#) who would keep the surveillance of professional and private e-mails secret. Then the department fought the public disclosure of the warrant since it wanted the flexibility to continue the investigation "for many years." Then, according to [Daniel Klaidman of the Daily Beast](#), Holder read the details of this operation in The Post over breakfast and the reality began to "fully sink in."

“Holder knew that Justice would be besieged by the twin leak probes,” Klaidman wrote, “but, according to aides, he was also beginning to feel a creeping sense of personal remorse.”

Some men find their moral bearings in the quiet of reflection; others in the crucible of suffering; still others on the front page of a newspaper.

According to Klaidman’s article, Justice Department officials attributed Holder’s actions to the “withering pressure to investigate leaks from both within the intelligence community and the Congress.” So the weather vane complains about the wind. Apparently the attorney general’s convictions about the First Amendment could not survive a pelting hail of interdepartmental memos.

The article cited sources close to Holder as saying he was “particularly stung by the leak controversy, in large part because his department’s — and his own — actions are at odds with his image of himself as a pragmatic lawyer with liberal instincts and a well-honed sense of balance.” Whatever Holder may see in his mirror each morning, this likeness is not visible to the rest of us.

His balance did not seem particularly sharp when he [reopened the investigation of CIA interrogators](#) who had already been cleared by career prosecutors. That action was repudiated by seven former CIA directors and went nowhere. Or when he pushed for a [civilian trial in Manhattan for Khalid Sheik Mohammed](#) and other 9/11 conspirators. Under Holder’s direction, that process collapsed and the White House eventually assumed direct control.

Holder is often a liberal. But his tenure will not be remembered for its ideological bent. At times he has displayed the legal sensibilities of a flower child. At other points, he has provided the legal justification for President Obama’s expanded drone war or pursued the broadest attack on press freedom in decades. No, Holder’s signature is not ideology; it is incompetence. He has spent five years learning from mistakes. It has been an expensive education.

Done in the right spirit, incompetence can appear like sincerity. Don’t we all, on occasion, make the error of seizing the personal e-mails of journalists? But Holder adds some less attractive traits. He is a stranger to candor. On May 15, [he told the House Judiciary Committee](#) that he had no knowledge about “[potential prosecution of the press for the disclosure of material](#).” This may be technically true. Rosen was targeted for conspiring to solicit classified material, not for the possibility he might expose it. We have an attorney general who perhaps technically avoided deceiving Congress. A legal achievement, of sorts. But hardly the highest standard of truthfulness.

And Holder’s shifting judgments are defended with unwavering self-righteousness. He said critics who questioned his Manhattan terror trials had chosen to “[cower](#)” and lacked “[confidence in the American system of justice](#).” At a recent hearing, [Holder accused Rep. Darrell Issa](#) of “unacceptable” conduct — hours before news broke of Holder’s unacceptable conduct in the Rosen matter.

Holder has one particular, highly developed skill: a talent for loyalty. And this is designed to please an audience of one. But Obama’s continued trust in his besieged attorney general has radiating effects. The review of Justice Department abuses relating to the press is being conducted by .□.□. Holder. A special counsel in this case would be appointed by .□.□. Holder.

The FBI probe of the IRS scandal was ordered by .□.□. Holder. In all these cases, the restoration of public trust depends on an attorney general worthy of public trust.

During his recent [Naval Academy commencement address](#), Obama said: “It’s no secret that in recent decades many Americans have lost confidence in many of the institutions that help shape our society and our democracy. But I suggest to you today that institutions do not fail in a vacuum. Institutions are made up of people, individuals. And we’ve seen how the actions of a few can undermine the integrity of those institutions.”

Mr. President, meet your attorney general.

National Review

[Being Eric Holder](#)

It's hard to learn of your own poor judgment in the morning paper.

by Rich Lowry



Attorney General Eric Holder testifies before the House Judiciary Committee on May 15.

President Barack Obama has been mocked for learning about untoward conduct in his administration from the press. But he’s on the ball compared with his attorney general, who wouldn’t know about his own poor judgment without reading about it in the papers. Let’s hope he has a Google alert set for “Eric Holder.”

The website the *Daily Beast* interviewed the attorney general and Justice Department officials for a piece about how the AG is holding up in the firestorm over two controversial Justice Department leak investigations, one into the Associated Press, the other into Fox News reporter James Rosen

The *Daily Beast* piece pinpoints when Eric Holder had a crisis of conscience leading him to question his leak-investigating ways. The *Washington Post* had made inquiries at the Justice Department about the investigation into Rosen stemming from a 2009 leak, and the department's press office had begun to ready itself for the storm. For Eric Holder, though, "the gravity of the situation didn't fully sink in until Monday morning when he read the *Post*'s front-page story, sitting at his kitchen table."

Then, the awful realization hit him that maybe it wasn't such a great idea for him to sign off on an affidavit portraying a member of the press — particularly a member of the press from a news organization scorned and attacked by the White House — as practically an agent of a foreign power. Perhaps it wasn't so wise, after all, to identify Rosen as a "co-conspirator" in a crime. Come to think of it, it might have been ill-advised to track his movements in and out of the State Department building that he covered and to read his e-mails.

Yes, Eric Holder was beginning to wonder whether Eric Holder had made the right call. Eric Holder is typically very supportive of Eric Holder, but in this case, Eric Holder had his doubts. "Holder knew that Justice would be besieged by twin leak probes," the *Daily Beast* relates, "but according to aides, he was also beginning to feel a creeping sense of personal remorse."

That creeping sense of remorse may get worse if Eric Holder gets around to reading in the papers that Congress is investigating whether Eric Holder lied to it under oath. (If the controversy gets any worse, the Justice Department might want to assign an aide to clipping out stories in the papers about Eric Holder before Eric Holder gets a chance to read them in the morning — just to keep his spirits up.) It turns out that Eric Holder did indeed make a false representation about Eric Holder.

Representative Hank Johnson (D., Ga.) pointed out to the attorney general that reporters could potentially be prosecuted under the Espionage Act of 1917, and closed his interrogation with the clear trap: "I'll yield the balance of my time to you." Unable to find any way to wiggle free from this killer line of questioning, Eric Holder said, "With regard to potential prosecution of the press for the disclosure of material, that is not something I've ever been involved in, heard of, or would think would be wise policy." Eric Holder had plumb forgot that Eric Holder might have signed off on such a thing. Timing is everything: If only the *Washington Post* had published earlier!

What Eric Holder has done is so troubling to everyone, including Eric Holder, that President Obama has ordered a review of Justice Department policy — to be undertaken by the single most appropriate man for such a task: Eric Holder. Eric Holder has a tight July 12 deadline to report back on Eric Holder. Let's hope he can manage to be fair-minded to Eric Holder, despite his bitter disappointment upon learning of his practices. An unidentified friend told the *Daily Beast*, "Look, Eric sees himself fundamentally as a progressive, not some Torquemada out to silence the press."

And why would he want to silence the press? It's how he keeps up with Eric Holder.

Contentions

Holder Should Resign, but Obama Is the Problem

by Peter Wehner

A prediction: there will be an effort by Team Obama to rally around Eric Holder, but before too long he will resign as attorney general. He'll do so because he's doing considerable, even durable, damage to the president—and the president, well-versed in the Chicago Way, will jettison Holder if he determines it's in his political interest.

It is.

The attorney general is being criticized, and being urged to resign, from those on both the left and the right. The House of Representative is considering [looking into](#) whether Mr. Holder committed perjury (he clearly misled Congress on his role in the James Rosen matter). And in the background of all this is the fact that Holder is a man of unusual incompetence.

Set aside Holder's record of pushing to reopen an investigation of CIA interrogators who had already been cleared by career prosecutors and wanting to try 9/11 mastermind Khalid Sheik Mohammed in a civilian court in Manhattan, both of which were busts (for more, see [here](#)); Mr. Holder can't even organize a *mea culpa* with the press without turning it into a [controversy](#).

Now, I'd prefer for Mr. Holder to resign, if only because I'd prefer that a man who misled Congress regarding his role in secretly monitoring the private e-mails of Fox's James Rosen and for his role in the Fast and Furious operation (for which he was held in [contempt of Congress](#))—a man who is [self-righteous](#) as well inept—not be attorney general of the United States. But whether Holder stays or goes is, if not exactly beside the point, not the central issue involved here.

What matters is that we have an administration that had contempt for the [rule of law](#) and believes it is right and proper to use the power of the federal government to target, intimidate, and silence its political opponents. That has been happening since nearly the beginning of the Obama Era. Eric Holder is not the generator of this culture of intimidation and corruption; he is merely one of its executioners. The real problem with the Obama administration begins at the top. Getting rid of Eric Holder may be a good idea. But it won't solve the deeper pathologies of this presidency.

Contentions

Team Obama's Damascus Road Experiences

by Peter Wehner

We're seeing some remarkable conversions occur before our very eyes. Take David Axelrod, who was President Obama's top political adviser in the White House.

For years Axelrod, along with Anita Dunn and others, led a Nixonian campaign to discredit and delegitimize Fox News. Yet now Axelrod is angst-ridden and aggrieved at the Justice

Department's surveillance of a Fox News reporter, James Rosen, telling MSNBC's "Morning Joe" that he finds all of this "disturbing."

"I do think there are real issues regarding the relationship with the media on this leak matter," [according](#) to Axelrod. "The notion of naming a journalist as a co-conspirator for receiving information is something that I find very disturbing."

Mr. Axelrod's professed solidarity with Fox News is touching. But a few of us thought the [effort](#) back in 2009 to target Fox was disturbing, too – and we went on to predict that it would lead to something that looks very much like what has occurred: the abuse of government power to intimidate people Team Obama viewed as a threat.

Speaking of the scales falling from their eyes, we're [now](#) asked to believe that Attorney General Eric Holder, is "beginning to feel a creeping sense of personal remorse" for his role in authorizing a search warrant that named James Rosen as an "aider, abettor and/or co-conspirator" in a crime. A very well developed sense of right and wrong, combined with the fear that he might have committed [perjury](#) in his Congressional testimony, will do that to a fellow.

We're seeing a variation of this with the IRS scandal. The president and Democrats are falling all over themselves condemning the abuse of power by the IRS. But what they conveniently forget is their role in creating a climate that allowed the abuse to flourish. After all, when the DNC runs [ads](#) accusing pro-Republican groups of "stealing our democracy," when the president of the United States [suggests](#) they are breaking the law, and when senior Democratic Senators write letters (see [here](#)) to the IRS requesting that it survey major nonprofits involved in political campaign activity for their possible "violation of tax laws," what you are bound to get is what we now have.

The president and his top aides gave clear guidance as to which properties needed to be targeted and provided the accelerants to get a fire burning. And now they profess being shocked that arson was going on.

How stupid do they think we are?

Contentions

[A Frequent Visitor to the White House](#)

John Steele Gordon

The Washington Examiner [reported](#) on Monday that Mark Everson, Commissioner of Internal Revenue from 2003 to 2007, during the Bush administration, visited the White House exactly once while in office. Indeed he felt like he'd "moved to Siberia" so out of the ordinary political loop was he. But Douglas Shulman, Commissioner from 2008 to 2012, during the Obama administration, visited the White House 118 times just in 2010 and 2011. His successor, Steven Miller, also visited "numerous" times.

The Commissioner of Internal Revenue is a managerial position, not a policy-making one, although his input on the practical realities of tax collection and how the IRS is structured might well be very useful if the President was planning a big push on tax reform. But no such push has been forthcoming. Obama's sole interest in the tax code has been to raise rates on high

earners. So what was the commissioner doing going to the White House more than once a week on average?

One explanation would be the statutory involvement of the IRS in implementing Obamacare. But that bill was signed into law in early 2010. White House logs show on several occasions that he talked with White House staff about health care, but many other times no reason is given for his visit or whom he saw, which in itself is odd.

By his own admission he knew by the spring of 2012 (he resigned in November, 2012) that organizations with the words “Tea Party” in their names were being targeted for extra scrutiny. Is it really believable that someone who had a Wall Street career before coming to Washington five years ago was so politically naïve that he didn’t see the potential for scandal in that information and give the White House a heads-up? And, assuming he did so, is it believable that none of those White House staffers—who can hardly claim political naiveté—did not pass the information along to the president, leaving him to learn of it in the papers?

If so, there are a lot of potential customers to snap up the Brooklyn Bridge at a bargain rate.

NBC News

[IRS higher-ups requested info on conservative groups, letters show](#)

by Lisa Myers, Rich Gardella and Talesha Reynolds



Lois Lerner, director of Exempt Organizations for the IRS, is surrounded by Capitol police as she boards an elevator after being excused from a House Oversight and Government Reform Committee hearing in Washington on Wednesday.

Additional scrutiny of conservative organizations' activities by the IRS did not solely originate in the agency's Cincinnati office, with requests for information coming from other offices and often bearing the signatures of higher-ups at the agency, according to attorneys representing some of the targeted groups. At least one letter requesting information about one of the groups bears the signature of Lois Lerner, the suspended director of the IRS Exempt Organizations department in Washington.

Jay Sekulow, an attorney representing 27 conservative political advocacy organizations that applied to the Internal Revenue Service for tax-exempt status, provided some of the letters to NBC News. He said the groups' contacts with the IRS prove that the practices went beyond a few "front line" employees in the Cincinnati office, as the IRS has maintained.

"We've dealt with 15 agents, including tax law specialists -- that's lawyers -- from four different offices, including (the) Treasury (Department) in Washington, D.C.," Sekulow said. "So the idea that this is a couple of rogue agents in Cincinnati is not correct."

Among the letters were several that bore return IRS addresses other than Cincinnati, including "Department of the Treasury / Internal Revenue Service / Washington, D.C.," and the signatures of IRS officials higher up the chain. Two letters with "Department of the Treasury / Internal Revenue Service / Washington, D.C." letterhead were signed by "Tax Law Specialist(s)" from Exempt Organizations Technical Group 1 and Technical Group 2. Lerner's signature, which appeared to be a stamp rather than an actual signature, [appeared on a letter](#) requesting additional information from the Ohio Liberty Council Corp.

Lerner has become one of the public faces of the controversy after refusing to testify before the House Oversight and Government Reform Committee last Wednesday, citing her Constitutional Fifth Amendment rights after reading a brief statement: "I have not done anything wrong. I have not broken any laws, violated IRS regulations or provided false information to this or any other committee."

She was put on administrative leave at the end of last week after reportedly refusing to resign at Obama administration's request. She is continuing to collect federal paychecks on her almost \$180,000 annual salary, though at least one Republican senator, Sen. Charles Grassley of Iowa, a member of the Senate Finance Committee, is urging the agency to speed up the process and fire her.

In the two weeks since the [IRS acknowledged it targeted conservative organizations](#) seeking status as tax-exempt "social welfare" organizations for additional scrutiny, many Republicans have sought to link the agency's actions to the White House. In an [Op-Ed piece in the Washington Post](#) on May 22, Senate Minority Leader Mitch McConnell, R-Ky., wrote that "the administration has been extremely creative in employing throughout the federal government the sorts of intimidation tactics that were used at the IRS."

The White House has dismissed suggestions it was aware of the targeting, saying President Barack Obama only learned of the issue when it broke in the news on May 10. White House spokesman Jay Carney has since deflected most questions about the scandal, saying it would be inappropriate to comment until an FBI inquiry into the agency's actions -- one of five separate government investigations -- is concluded.

For its part, the IRS has declined additional comment beyond its congressional testimony -- including former IRS Commissioner Steven Miller's testimony that IRS employees didn't have partisan motives and only made "foolish mistakes ... trying to be more efficient" -- and other previously released public statements, including its [response to a Treasury inspector general](#) (see pages 49-51) and [a Q&A on 501 \(c\) groups](#) it published on its website.

But attorneys for some of the targeted groups' provided documentation and two IRS employees in the Cincinnati office made statements to NBC News that call into question parts of the official explanation Americans have heard from the IRS so far.

Sekulow, who worked with the office of the chief counsel of the IRS in the early 1980s as a trial lawyer representing the IRS on tax-exempt cases, said the number of groups he's heard from, and the scope of the requests for information the IRS sent them, persuaded him "that this was not something that was just created at an agent level, that this was certainly higher up."

After reviewing all the IRS communications his clients received, Sekulow said he believes the IRS was engaged in a coordinated and deliberate attempt to silence, or at least stifle conservative organizations, he told NBC News.

Sekulow also said the practices continued well after May 2012, when the IRS has claimed they had stopped. Sekulow said 10 of the organizations he represents still have not received determinations from the IRS on their applications for tax-exempt status as 501 C (1)(4) organizations. He provided NBC News with [a letter the IRS sent to one of his clients](#) on May 6 requesting more information.

'Decisions ... made in Washington'

Cleta Mitchell, another attorney representing conservative groups that allege they were targeted, said an IRS agent in Cincinnati told her a "task force" IRS office in Washington, D.C., was making the decisions about the processing of applications, and that she subsequently dealt with IRS representatives there.

"(The IRS agent in Cincinnati) told me that in fact the case would be transferred to a special task force out of Washington, and that he was told -- he was the originally assigned agent -- that he wasn't allowed to make decisions, the decisions were all going to be made in Washington," Mitchell said. "I know that this process was going on in Washington because I've dealt with those people."

One of Mitchell's clients, Catherine Engelbrecht, founder of True the Vote, a conservative elections monitoring organization, applied for tax-exempt status for the group in July 2010. She said that when she asked the IRS two years later why it was taking so long to get a decision, agents told her Washington was to blame.

"We've dealt with four separate analysts and their explanation for the way our case has been handled runs the gamut from their not having another organization like True the Vote to compare to -- so they had to develop new questions and new criteria -- all the way through to the fact that they were taking their orders from Washington and were waiting for Washington's direction as to what steps to take next," she said. "They were caught up in a process that seemed to be much bigger than Cincinnati and bigger than any single individual."

Mitchell, Engelbrecht's attorney, said Engelbrecht's case also raised questions about whether the IRS had subjected some applicants to other federal government scrutiny and action, beyond their IRS application.

Engelbrecht told NBC News that soon after she filed for tax-exempt status for True the Vote, the IRS audited her personal and business taxes for the first time, and her manufacturing business was visited by two other federal agencies, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and The Occupational Safety and Health Administration (OSHA).

Her tax-exempt application still hasn't been approved after three years. She's now [suing the IRS](#).

Sekulow said he also is preparing to sue the IRS in federal court this week, on behalf of the 16 groups he represents.

"The only way to get this resolved is to go to federal court," Sekulow said, "because that's the only thing that's going to compel the IRS to comply with the law."

Two IRS Cincinnati employees who have talked to NBC News dispute one part of the IRS' explanation, saying that application of inappropriate selection criteria and the extra scrutiny for Tea Party and other conservative political advocacy organizations was not the work of a few low-level "rogue" employees.

But they also have told NBC News that they believe there was no political or partisan motivation for the targeting or scrutiny.

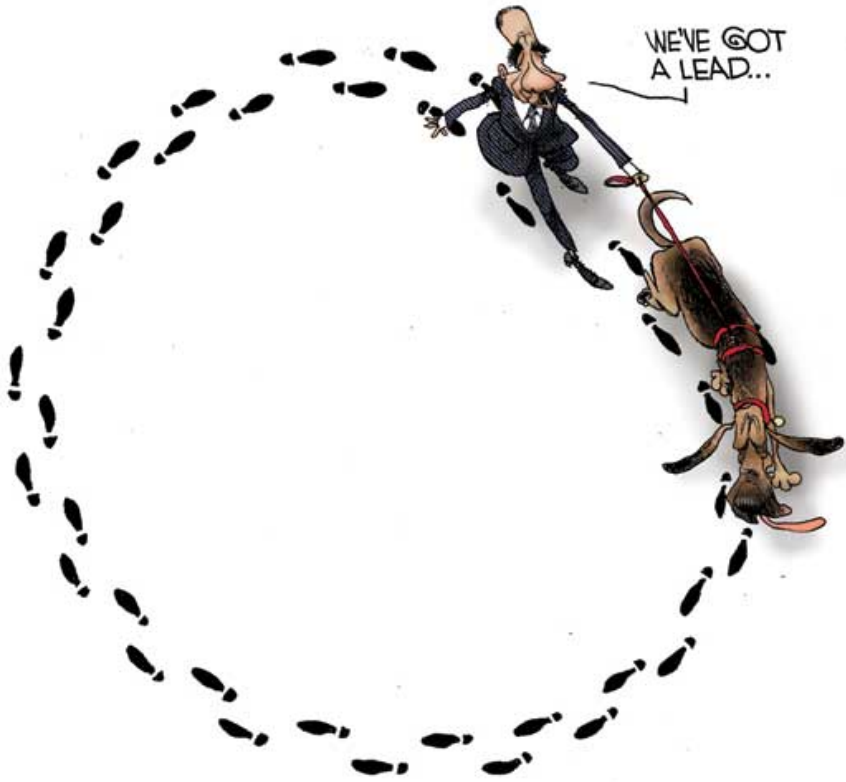
"We're outstanding public servants, dedicated to our craft and to the public we serve," said one current IRS Cincinnati employee contacted at home over the weekend, who agreed to speak to NBC News on the condition of anonymity. "To suggest that we're 'rogue' should be considered slander."

Asked about the motivations for the targeting, the employee said, "I trust my management team."

Bonnie Esrig, a 38-year IRS veteran and a manager in the Cincinnati office until she retired from the IRS in January, also [has told NBC News](#) that decisions about how to handle cases came from management, and that all employees were subjected to considerable oversight. She also said that she believes there was no political or partisan motivation for the added scrutiny.



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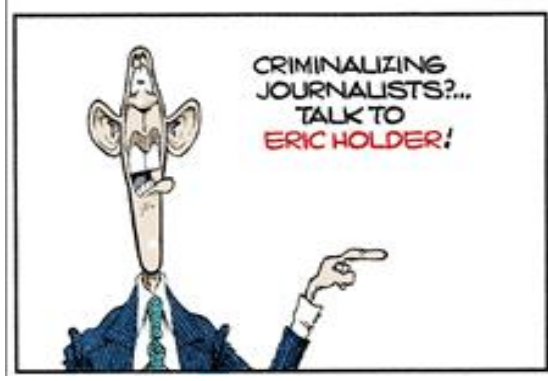
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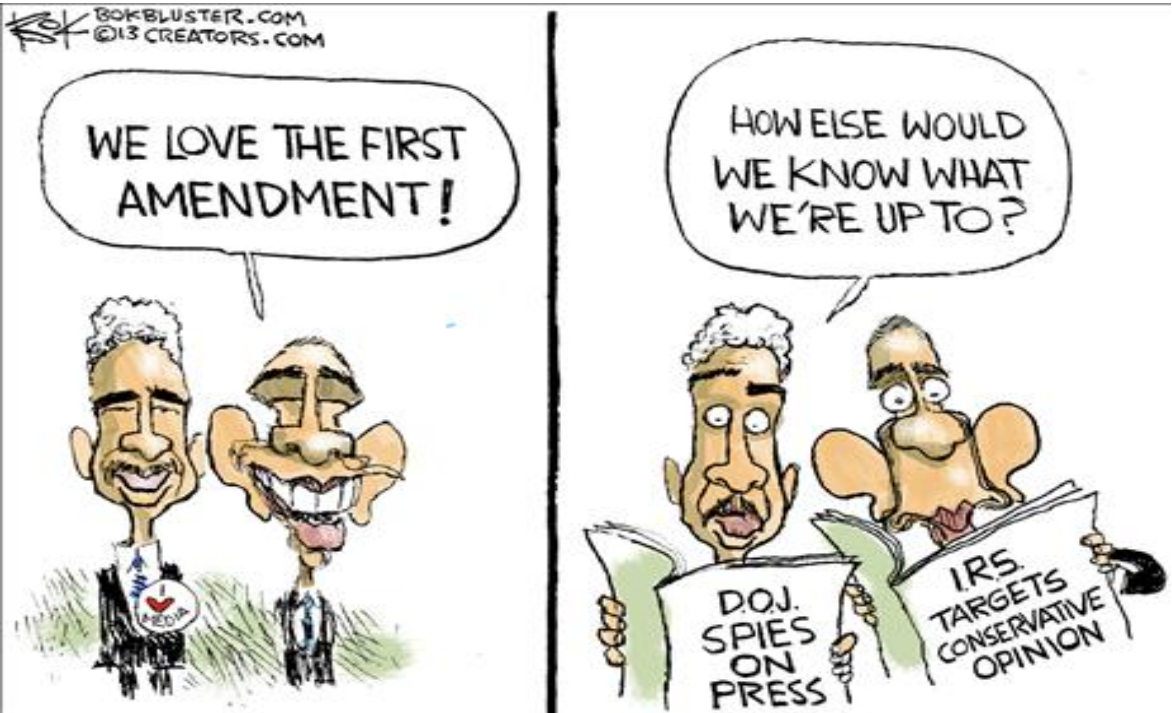
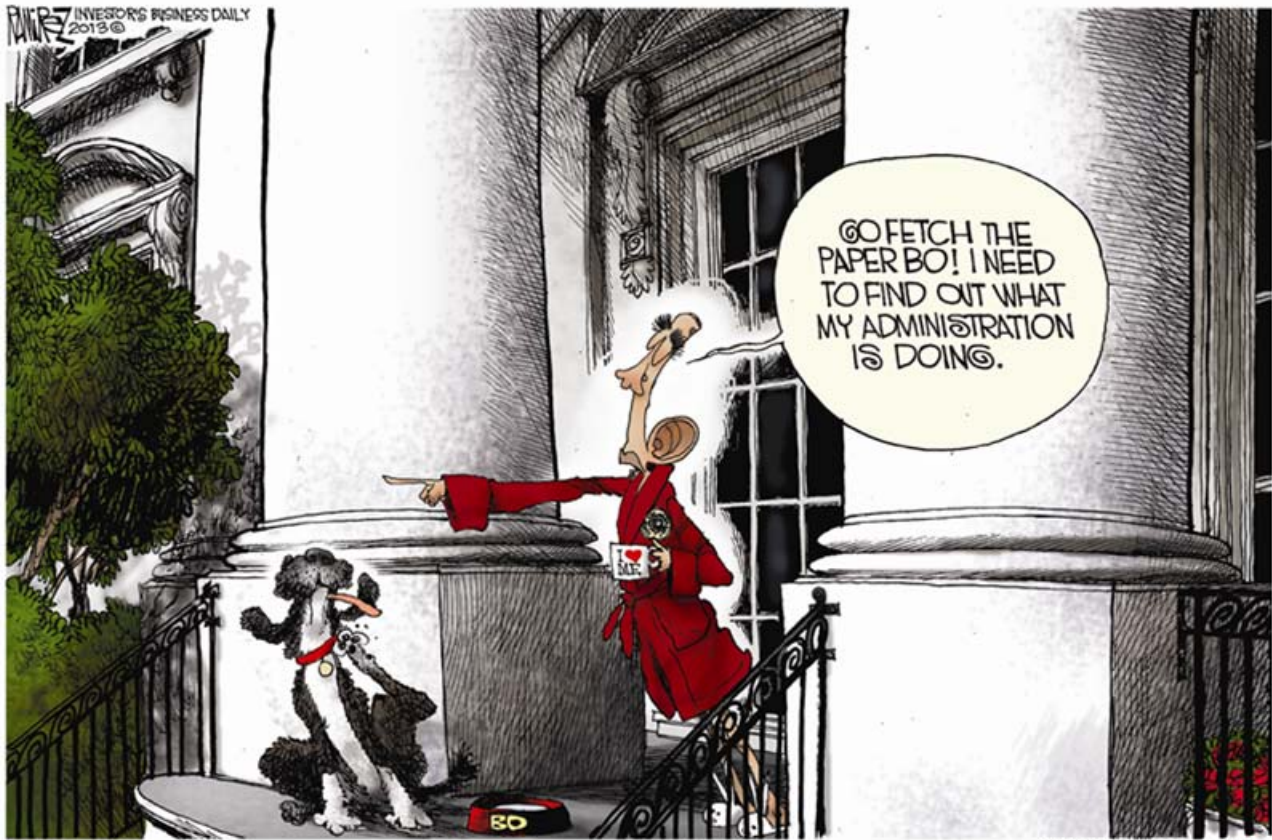
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